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EXAMINER

DIVINE, LUCAS

ART UNIT PAPER NUMBER

2624

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/924,060 | Applicant(s) SIMPSON ET AL. | |
| | Examiner Lucas Divine | Art Unit 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-13,17-28,32-38,41 and 42 is/are rejected.
- 7) ☒ Claim(s) 4-6,14-16,29-31,39 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because of the following informalities: page 71 line 10 includes the word 'ofif' which appears to be incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 recites the limitation "**said obtained graphic**" in page 73 lines 10-11. There is insufficient antecedent basis for this limitation in the claim because there is no obtained graphic in the parent claim and it is unclear where the obtaining takes place in the parent claim and for which graphic, the processed or not processed form.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 23 – 25 and 42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The program product claimed is merely a set of instructions per se. Since the program product is merely a set of instructions not embodied on a

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computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory. See MPEP § 2106 IV.B.1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 13, 17, 18, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by

Chase et al. (US 6529214) hereafter as Chase.

Regarding claim 13, Chase teaches **a method for fast processing of graphics for printing, comprising the steps of:**

determining graphics that are to be preprocessed and reused based on a criteria (a user selects and creates a graphic product for printing through interface 30, and inserts text, font, layout information as well as selecting a template [examples of templates shown in Fig. 3 and 4] and graphics [col. 7 lines 28-30] to be used for the final graphic product, col. 4 lines 1 – 20; the criteria used to select the graphical elements to be preprocessed are manually selected by the user and it is the users personal criteria – col. 6 lines 17-32 detail the user being able to preprocess the data as much as they would like [their own criteria] until they have a finished product they are happy with);

preprocessing the graphics (col. 5 lines 26-28 teach the receiving of text, font, layout, and template selection information, and having the graphical layout engine 52 [Fig. 2] process the data to produce an output image and further processing occurs in block 60, where a Foreground GIF is generated);

storing the preprocessed graphics (col. 4 lines 45-46);

retrieving selected preprocessed graphics (col. 4 line 46, wherein the stored processed graphic print image is retrieved in order to be printed based on a user order); and

formulating a print job that includes the preprocessed graphics (after retrieving the selected graphic print image it is used for the output image [print job] that the printing apparatus 48 prints; col. 4 lines 46-47, the user order can use the saved GIF and place it with any background type [col. 5 lines 48-60] for a combined print job – Figs. 3 & 4 give good examples, a saved preprocessed graphic page is shown in Fig. 3 and Fig. 4 shows the print job after formulated; col. 7 lines 50-60).

Regarding claim 17, which depends from claim 13, Chase teaches **the criteria for said determining step comprises receiving a manual selection** (the user selects the graphical elements to process in the creation of a print order as discussed in the rejection to claim 13).

Regarding claim 18, which depends from claim 13, Chase teaches **criteria for said determining step comprises receiving metadata information about said obtained graphic** (it is inherent that information regarding the graphical elements for the template are transmitted and received by the user in order for the user to select the correct graphics for their printed output, for example, a user selects a logo option for their business card based on the metadata provided via

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the system, the preview and describing characteristics, further the user receives metadata concerning the template graphics and where they are located).

Regarding claim 38, the method steps claimed in claim 38 are the same as those claimed in method claim 13 except for the limitations listed below. Therefore, the limitations are rejected for the same reasons as stated in the rejection of claim 13 as being anticipated by Chase. Further, Chase teaches also processing **a plurality of print jobs** (col. 9 lines 25-30 detail a single order having multiple print jobs, the example given is a wedding invitation and response card, in this case, each is a separate print job, but they both need to be created and processed for printing by implementing the steps described in the rejection of claim 13), including performing the steps of determining, preprocessing, storing, retrieving, and formulating print jobs upon for each (claim 13 but for a plurality of jobs, so for example, a user would determine the graphics for a job for each part of the order, for the wedding invitation and response card as an example).

5. Claims 1 – 3, 7 – 9, 11, 21, 22, 26 – 28, 32 – 34, 36, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Cyman et al. (US 5949438) hereafter as Cyman.

Regarding claim 21, Cyman teaches **a printer web service** (Fig. 1, system 50) **for printing comprising:**

a web interface (network 56 [Fig. 1], wherein a network interface to access the network is inherent, and wherein a network is a web of interconnected computing devices; col. 8 lines 62-65);

a printer (print engine 68);

Note: Cyman teaches the following components as separate and distinct functions of Raster Image Processor 64 (distinct steps shown in Fig. 2). Thus, there must be separate and distinct functional internal components and/or software that controls the components to perform the functions within the Raster Image Processor to complete each separate and distinct action.

a first component for receiving a print designation (job description file 80 shown in Fig. 2 designations a print job and what should be printed related to the job) **from the web interface** (col. 8 lines 55-65, specifically 62-65 details that print information may come from systems across the network to the printing service 50) **to print a document;**

a second component for obtaining a description of graphics contained in the document (display list 82 is obtained from the print job by converting the job description file 80 into a description of graphics; see Fig. 2; col. 10 lines 32-40; col. 12 lines 12-13);

a third component for obtaining one of the graphics or a reference thereto (ref. 512a teaches a component for building a page image, which obtains the graphics for a page, either choosing to receive graphics from data cache 800 [preprocessed and stored graphics; col. 11 lines 12-14 teach the obtaining of preprocessed graphics to the bit image memory, thus images in the data cache must be in bit image form and thus processed] from font image memory 400 or graphics accelerator 900 [graphics not preprocessed and stored]);

a fourth component for determining if the graphic has been already preprocessed and available for reuse (col. 10 line 65 – col. 11 line 3, wherein the raster image processor checks for pre-stored version of a graphic, which is preprocessed for reuse [col. 11 lines 12-14 teach the obtaining of preprocessed graphics to the bit image memory, thus images in the data cache must be in bit image form and thus processed, they are also pre-saved, which is another

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preprocess completed]), **and if so, retrieving the processed data therefor from a preprocessed graphics storage** (col. 11 lines 2-3, wherein the pre-stored appropriate graphic is retrieved for building the final print page), **and if no, then processing the graphic** (it is inherent that all graphics are processed in order to be built into page image 512 and printed, further if an graphic is not in the data cache to be supplied, it must be processed by the graphics processor 900 as shown in Fig. 2, where the two options for a graphic are to be retrieved from the cache or processed by the graphics processor, thus the building component retrieves the graphic from accelerator 900 which must process the graphics on the fly instead of preprocessed);

and a fifth component for formulating a print job (Fig. 2 shows 512b which is a built print job for an output page; col. 11 lines 4-25, specifically 4-6).

Regarding claim 22, which depends from claim 21, Cyman further teaches **the fourth component includes a component which, if it is determined that a preprocessed form of the graphic is not available for reuse, determines if the newly processed graphic should be stored in preprocessed graphics storage based on a criteria; and if so, then storing the newly processed graphic in the preprocessed graphics storage** (the graphics processor of Cyman is generally used for simplified types of graphics [col. 10 line 53] and thus the data cache is used for more complex images and graphics [col. 10 line 66], the system of Cyman must determine if a graphic is complex enough to be stored in the data cache and store the processed graphic in the data cache 800 if the raster image processor decides it is complex enough to take up space in the cache).

Regarding claims 1 and 2, the structural elements of claim 21 perform the method steps of claim 1 and 2 [claim 2 being **'if no, then processing the graphic'**] as discussed in the rejection of apparatus claim 21 above. Therefore, method claims 1 and 2 are rejected for the reasons stated in the rejection of apparatus claim 21.

Regarding claim 3, which depends from claim 2, the structural elements of claim 22 perform the method steps of claim 3 as discussed in the rejection of apparatus claim 22 above. Therefore, method claim 3 is rejected for the reasons stated in the rejection of apparatus claim 22.

Regarding claim 7, which depends from claim 3, Cyman further teaches **the criteria for said determining step comprises receiving metadata information about said obtained graphic** (the display lists 82 is a description of the page/document to be imaged, this inherently includes metadata information about the graphic that is used by the raster image processor 64 to located and make determinations of the graphics for the print designation).

Regarding claim 8, which depends from claim 1, Cyman further teaches **the step of printing the document** (print engine 68; col. 8 lines 20-32).

Regarding claim 9, which depends from claim 2, Cyman further teaches **the processing step comprises creating a bitmap from the graphic** (the building of the page is in bitmap memory 512 [col. 11 lines 20-22], thus the graphic data supplied by data cache 800, font image memory 400 and graphics 900 must be in bitmap form in order to be assembled in a bitmap memory).

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Regarding claim 11, which depends from claim 1, Cyman further teaches **the obtaining step comprises interacting with a graphic store service to obtain the graphic** (data cache 800 acts as a graphic store service).

Regarding claims 26, the method steps claimed in claim 26 are the same as those claimed in method claim 1 except for the limitations listed below. Therefore, the limitations are rejected for the same reasons as stated in the rejection of claim 1 as being anticipated by Cyman. Further, Cyman teaches the steps of method claim 1 the ability to perform raster image processing on **a plurality of documents** (Fig. 2 shows display lists for each page to be imaged 82, these pages are described as different pages [col. 10 lines 30-31] and thus different document pages that are all included in one print job). Thus, claim 41 is rejected for being anticipated by Cyman.

Regarding claim 27, which depends from claim 26, the method steps of claim 2 are the same method steps of claim 27, therefore, claim 27 is rejected for the same reasons as rejected method claim 2.

Regarding claim 28, which depends from claim 27, the method steps of claim 3 are the same method steps of claim 28, therefore, claim 28 is rejected for the same reasons as rejected method claim 3.

Regarding claim 32, which depends from claim 28, the method steps of claim 7 are the same method steps of claim 32, therefore, claim 32 is rejected for the same reasons as rejected method claim 7.

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Regarding claim 33, which depends from claim 26, the method steps of claim 8 are the same method steps of claim 33, therefore, claim 33 is rejected for the same reasons as rejected method claim 8.

Regarding claim 34, which depends from claim 27, the method steps of claim 9 are the same method steps of claim 34, therefore, claim 34 is rejected for the same reasons as rejected method claim 9.

Regarding claim 36, which depends from claim 26, the method steps of claim 11 are the same method steps of claim 33, therefore, claim 33 is rejected for the same reasons as rejected method claim 11.

Regarding claim 41, the structural elements claimed in claim 41 are the same as those claimed in apparatus claim 21 except for the limitations listed below. Therefore, the limitations are rejected for the same reasons as stated in the rejection of claim 21 as being anticipated by Cyman. Further, Cyman teaches the ability to perform raster image processing on **a plurality of documents** (Fig. 2 shows display lists for each page to be imaged 82, these pages are described as different pages [col. 10 lines 30-31] and thus different document pages that are all included in one print job). Thus, claim 41 is rejected for being anticipated by Cyman.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase as applied to claim 13 above, and further in view of Gauthier (US 5594860).

Regarding claim 19, which depends from claim 13, Chase does not specifically teach **the preprocessing step comprises creating a bitmap of the content**.

Gauthier specifically teaches a **preprocessing step comprises creating a bitmap of the content** (col. 7 lines 37-50 discuss the preprocessing of a graphical element that will be printed by prerendering the object by generating bitmaps).

The steps of Gauthier act to combine separate graphical elements [listed in line 42] to render a bitmap of the complete graphical object. This is similar to the combination of separate graphical elements into a single element of Chase. And since the system of Chase prepares a document for printing, it would have been obvious to one of ordinary skill in the art to also create a bitmap of the final product as selected by the user in order to print the document faster when the user places their order in the system of Chase. The file could then be spooled immediately because its already in bitmap form.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase in view of Gauthier as applied to claims 13 and 19 above, and further in view of well known prior art.

Regarding claim 20, the combination of Chase and Gauthier does not specifically teach **compressing the bitmap**.

However, Examiner takes Official Notice that **compressing bitmaps** is well known in the prior art.

It would have been obvious to one of ordinary skill in the art to compress a bitmap when the bitmap is saved in a memory (the final preprocessed graphic element is saved in memory after the user gives the go ahead). The motivation for doing so would have been to conserve memory space by having compressed data instead of expanded normal data.

8. Claims 10 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cyman as applied to claims 1 and 26 above, and further in view of Mund et al. (US 6721846) hereafter as Mund.

Regarding claim 10, which depends from claim 1, Cyman does not specifically teach **interacting with a composition store service to obtain the graphic**.

Mund teaches **interacting with a composition store service to obtain the graphic** (the image cache 212 shown in Fig. 2B [very much like the data cache of Cyman] access the network image storage service 262 to retrieve documents to use in the local system; *Note: Examiner understands from the specification that the applicant has defined a composition store which is understood as a network storage storing imaging compositions that can be accessed by a user or a computing service*).

It would have been obvious to one of ordinary skill in the art that in a networked system such as Cyman it would have been advantageous to have a remote composition store for the graphic data that can be accessed via the web in order to allow for a larger image storage on the server than is typically available in printers and client machines. Further, Cyman teaches accessing the network to obtain the graphic information (col. 8 lines 55-65).

Regarding claim 35, which depends from claim 26, the method steps of claim 10 are the same method steps of claim 35, therefore, claim 35 is rejected for the same reasons as rejected method claim 10.

9. Claims 12 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cyman as applied to claims 1 and 26 above, and further in view of Thomas et al. (US 2002/0059621).

Regarding claim 12, which depends from claim 1, Cyman does not specifically teach **interacting with a web imaging extension to obtain the graphic.**

Thomas teaches **interacting with a web imaging extension to obtain the graphic** (Fig. 1 shows the remote server network 110 which acts as a web imaging extension by allowing access to personal images from remote locations; *Note: Examiner understands from the specification that the applicant has defined an imaging extension as acting as a gateway to access a personal imaging repository of stored graphics*).

It would have been obvious to one of ordinary skill in the art that since the system of Cyman teaches accessing the network to obtain data (col. 8 lines 55-65), it would allow access to a user's personal repository to access print and graphic information as taught in Thomas. The motivation for doing so would have been to allow the user and printing service to access remote locations to access the print data and it would allow the print service to have access to a user's personal repository which, without the imaging extension, is generally private and inaccessible.

Regarding claim 37, which depends from claim 26, the method steps of claim 12 are the same method steps of claim 37, therefore, claim 37 is rejected for the same reasons as rejected method claim 12.

Allowable Subject Matter

10. Claims 4 – 6, 14 – 16, 29 – 31, 39 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US-5857064, deSilvia, 1-5-1999: teaches a system for imaging complex graphical images.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Divine whose telephone number is 571-272-7432. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



**KING Y. POON
PRIMARY EXAMINER**

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lucas Divine
Examiner
Art Unit 2624

ljd